

321.231B Authorized emergency vehicles — immunity from liability.

1. The following shall not be liable for the consequence of any injury or loss arising from the operation of an authorized emergency vehicle in response to an emergency call or to an incident dangerous to the public unless the driver operates the authorized emergency vehicle with reckless disregard for the safety of persons or property:

a. A fire fighter operating the authorized emergency vehicle who is certified by the fire service training bureau, as described in [section 100B.6](#), as a fire apparatus driver operator, or an operator who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the fire service training bureau.

b. An emergency medical care provider, as defined in [section 147A.1](#), operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the department of public health.

c. A peace officer, as defined in [section 801.4](#), or a reserve peace officer, as defined in [section 80D.1A](#), operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the Iowa law enforcement academy.

d. An emergency management agency employee operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the local or joint emergency management commission, and where the local or joint emergency management commission has adopted a written policy related to emergency vehicle operations. For purposes of this paragraph, “*emergency management agency employee*” means a member of the personnel, including but not limited to the coordinator, an operations officer, or an emergency management assistant, of a local or joint emergency management commission.

e. Any entity, including a nonprofit corporation, on whose behalf the fire fighter, emergency medical care provider, peace officer, reserve peace officer, or emergency management agency employee is operating the authorized emergency vehicle.

2. The protections from liability set forth in [subsection 1](#) apply only when, in response to an emergency call or to an incident dangerous to the public, the driver operating the authorized emergency vehicle is utilizing a siren meeting the requirements of [section 321.433](#) or flashing blue and red lights authorized under [this chapter](#). The protections from liability provided by [subsection 1](#) apply in addition to any other defense to liability provided by law. [This section](#) shall not be construed to lower the standard of recklessness to recover against any entity or authorized emergency vehicle driver.

3. a. The driver of an authorized emergency vehicle, and any entity on whose behalf the driver is operating the authorized emergency vehicle, shall not be liable for any injury or loss arising from the operation of the authorized emergency vehicle unless reckless disregard for the safety of persons or property is proven by a preponderance of the evidence.

b. If a person brings a tort claim against the driver of an authorized emergency vehicle, a municipality, as defined in [section 670.1](#), this state, or any other entity on whose behalf the driver is operating the authorized emergency vehicle, for any injury or loss arising from the operation of the authorized emergency vehicle, the court shall determine, on motion by any party or on its own motion, whether the person has presented sufficient, admissible evidence to support a prima facie finding of recklessness before the matter proceeds to trial.

[2022 Acts, ch 1087, §6, 11, 12](#)

Section applies to causes of action accrued on or after May 24, 2022; 2022 Acts, ch 1087, §12

NEW section